

EXHIBIT E

SUSAN MCCARTHY

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IN THE MATTER OF THE CLAIM OF

SUSAN MACCARTHY,

COPY

CLAIMANT,

AGAINST

COUNTY OF NASSAU,

RESPONDENT

----- X

NASSAU COUNTY OFFICE OF THE COUNTY ATTORNEY

ONE WEST STREET

MINEOLA, NY, 11501

FEBRUARY 25, 2015

10:00 A.M.

HEARING OF **SUSAN MCCARTHY**, the Claimant herein,
taken by the Respondent, **COUNTY OF NASSAU**, pursuant to
50-H of the General Municipal Law of the State of New
York and held before Nechama Bayen, a Certified,
Professional Court Reporter and held at the above time
and place noted.

SUSAN MCCARTHY

A P P E A R A N C E S:

WOLIN & WOLIN

ATTORNEY FOR The CLAIMANT

420 JERICHO TURNPIKE SUITE 215

JERICHO, NEW YORK 117563

BY: ALAN E. WOLIN

NASSAU COUNTY OFFICE OF THE COUNTY ATTORNEY

ATTORNEY FOR THE RESPONDENT

ONE WEST STREET

MINEOLA, NY, 11501

BY: LIORA M. BEN-SOREK

File No. 14X70418

SUSAN MCCARTHY

1 S U S A N M C C A R T H Y,

2 The Claimant herein, after having been first duly
3 sworn by NECHAMA BAYEN, a Notary Public in and for the
4 State of New York, County of Nassau was examined and
5 testified as follows:

6 **EXAMINATION BY: Ms. Liora Ben-Sorek:**

7 Q Please state your name for the record?

8 A Susan McCarthy.

9 Q And please state your address?

10 A 52 Eighty Street Hicksville, New York.

11 Q Good morning. My name is Liora Ben-Sorek, I'm
12 a Deputy County Attorney. I'm going to be asking you a
13 series of questions, today, in relation to a claim that
14 you brought against the county.

15 There are a few ground rules or instructions that
16 go on along with a 50-H examination such as this. One
17 is, we have a Court Reporter sitting to your left and
18 she is taking down everything we both say, so I will
19 wait till you finish your responses and hope not to cut
20 you off, I apologize if I do, and I ask that you wait
21 'till I finish my question before responding.

22 Okay?

23 A Okay.

24 Q Another instruction is that the Court
25 Reporter can only take down verbal responses. So if

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1 you shake your head or nod your head or gesture in any
2 way, we can't put that on a record so we need verbal
3 responses. Okay?

4 A Okay.

5 Q If, at any time, you need to take a break to
6 speak with your attorney or comfort break, let us know,
7 we will be more than happy to accommodate you.

8 If there is something that I say that you don't
9 understand or you don't hear or it's not clear to you
10 then, by all means, ask me to rephrase or repeat it and
11 I will do so.

12 If you don't ask me to do so, I will be under the
13 impression you understood the question.

14 Alright?

15 A Okay.

16 Q You stated your name is Susan McCarthy.
17 Have you been known by any other name in the past
18 ten years?

19 A Past ten years, no.

20 Q And your date of birth, please?

21 A 6/30/51.

22 Q And the last four digits of your social
23 security?

24 A 2753.

25 Q The address you provided, 52 Eighth Street in

SUSAN MCCARTHY

1 Hicksville, New York; how long have you resided there?

2 A The last three years.

3 Q Okay --

4 A It's --

5 Q I'm sorry, go ahead?

6 A It's my childhood home. I just moved back
7 in.

8 Q Is it a house or an apartment?

9 A House.

10 Q Single family home?

11 A Yes.

12 Q And prior to that, where did you reside?

13 A In Massapequa.

14 Q Do you remember the address?

15 A 79 Hamilton Avenue.

16 Q Is that also a house or an apartment or
17 something else?

18 A It was a full house, it was an apartment in
19 the house.

20 Q So you rented an apartment within a house?

21 A Yes.

22 Q Are you currently the owner of your home?

23 A Yes.

24 Q And is there any one that you reside with?

25 A My daughter is living there.

SUSAN MCCARTHY

1 Q And how old is your daughter?

2 A 36.

3 Q So hopefully by 36, in this day in age it's
4 hard to tell, but hopefully by 36 you're not still
5 supporting your daughter?

6 A No.

7 Q Within the past 24 hours, have you taken,
8 ingested any type of drugs, over-the-counter,
9 prescription or otherwise?

10 A Yes.

11 Q What was that?

12 A Okay. I have taken Topamax, I have taken --
13 can I get my cellphone out I have my --

14 MR. WOLIN: If you are not sure of the answer,
15 just say you're not sure.

16 MS. BEN-SOREK: We are going to leave a line in the
17 transcript and then after when we finish, when we
18 conclude the deposition, the 50-H, within a few weeks
19 the Court Reporter will send us a copy of the
20 transcript and we will forward it to Mr. Wolin and he
21 will get it to you. But we will leave a line so you
22 can insert the information.

23 (Insert):_____.

24 Q The medication you take, are they all
25 prescription?

SUSAN MCCARTHY

1 A Yes.

2 Q And is there any type of drug or medication
3 that you are required or should take within 24 hours
4 and you haven't, like, skipped a dose?

5 A No.

6 Q Have you ingested any alcohol within the past
7 24 hours?

8 A Yes.

9 Q When was that?

10 A Last night at dinner.

11 Q What did you have at dinner?

12 A Riesling wine.

13 Q A glass, more than a glass?

14 A A glass.

15 Q To the best of your knowledge, is there any
16 reason or condition that would prevent you from
17 recalling the events of May 28, 2014, as you sit here
18 today?

19 A Just one of my medications I have word
20 retrieval problems. So sometimes I can't think of the
21 word that I want to say, but other than that, no.

22 Q Okay. Again, what will happen is, if you
23 can't find the word or if you use what you later deem
24 to be the incorrect word and it comes to you, you will
25 have the opportunity to correct that when you get the

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1 transcript. Okay?

2 A Thank you.

3 Q You're welcome.

4 Offhand, without knowing specifics on milligrams
5 and dosage and all that, do you recall what the name of
6 that medication is that impedes your ability to recall
7 words occasionally?

8 A I believe it's depression medicine. It's
9 Zoloft that's the name of the brand.

10 Q Okay. Have you ever testified at a municipal
11 hearing or a 50-H hearing before?

12 A I'm sorry.

13 Q Have you ever testified at a municipal
14 hearing, sometimes called a 50-H hearing like this, in
15 the past?

16 A No.

17 MR. WOLIN: Can I talk to her?

18 MS. BEN-SOREK: Alright.

19 (Whereupon, a discussion was held off the record.
20 After, the following ensued.)

21 A We had a district examination.

22 Q That district examination you had, was that
23 as result of a Notice of Claim or an action that you
24 brought?

25 A Yes.

SUSAN MCCARTHY

1 Q Does it arise out of the same course of
2 events?

3 A Yes.

4 Q When was that hearing or deposition taken?

5 A In September.

6 Q '14?

7 A 2014.

8 Q When you went to the hearing with the school
9 district, was that with a Court Reporter and an
10 attorney for the school district was asking you
11 questions?

12 A Yes.

13 Q Have you ever testified at a deposition or at
14 a trial before?

15 A No.

16 Q Have you ever been a party to a civil lawsuit
17 before?

18 A No.

19 Q Other than a driver's license, do you have
20 any licenses or certifications?

21 A Teacher certification.

22 Q What agency certifies teachers?

23 A New York State.

24 Q And when did you obtain that certification?

25 A I'm teaching for 18 years, so I would say 18

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1 years ago.

2 Q Is there any renewal practices that are
3 required, either continuing educational requirements
4 or --

5 A I have complied with all of that. I have
6 been ten-year for, you know, I have gone through all
7 the state requirements.

8 Q Where are you currently employed?

9 A Roosevelt Union Free School District.

10 Q How long have you been affiliated with
11 Roosevelt Union Free School District?

12 A Fourteen years.

13 Q Do you recall what year you were ten-year?

14 A I want to say 2002 because it carries over
15 from other schools?

16 Q Okay. So fourteen years ago from now,
17 probably, would have been '91, 1991?

18 MR. WOLIN: 2001.

19 Q So you had prior teaching experience prior to
20 2001?

21 A Yes.

22 Q So your ten-year accumulates and aggregates
23 from the time from other teaching assignments plus
24 Roosevelt?

25 A Yes.

SUSAN MCCARTHY

1 Q And are you certified to teach any particular
2 age range of students?

3 A Nursery school through 6th grade.

4 Q In that range -- do you teach all those
5 grades at different times or are you solely within a
6 certain grade?

7 A During the school year you are assigned to
8 one grade.

9 Q Over the past fourteen years with Roosevelt,
10 have you always taught the same grade?

11 A No.

12 Q Do you know how it's determined what grade
13 you will teach in a particular year?

14 A Usually the principal decides, but it's
15 usually pretty stable in the grades.

16 Q And what grade are you currently teaching?

17 A First grade.

18 Q What grade were you teaching last year?

19 A First grade.

20 Q Other than first grade, what other grades in
21 the Roosevelt School District have you taught?

22 A Second and third.

23 Q How many students, on average, is it per a
24 classroom?

25 A Usually 21, 22.

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1 Q And for a first grade classroom, you will be
2 the sole teacher?

3 A Yes.

4 Q Is there a teacher's assistant or an aid
5 assigned to you?

6 A Years ago there used to be, not any more.

7 Q And do you have any understanding as to why
8 years ago it used to have an assistant or an aid?

9 A There used to be -- it depended on the
10 principal, I would assume, and how much they can get
11 out of the superintendant; if they would allow money
12 for it.

13 There was grants for class sizes and how much
14 money -- the school has money for certain things and
15 they can use that money for different things that they
16 want. I don't know how to really explain it and I'm
17 not really privileged but I can't tell you exactly
18 that's why but --

19 Q So your understanding is it's a matter of
20 budget constraints --

21 A Yes --

22 Q But not on the experience level of the
23 teacher?

24 A No.

25 (Whereupon, a Notice of Claim was marked

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1 Respondent's Exhibit A for identification, as of this
2 date.)

3 Q I'm going to show you what the Court Reporter
4 was kind enough to move as Respondent's Exhibit A.

5 Do you recognize what that document is?

6 A Yes.

7 Q And what do you recognize it to be?

8 A It's what they sent to Nassau County for my
9 claim against the county.

10 Q When you say "they sent" who are you
11 referring to?

12 A My lawyer.

13 Q Your lawyer is Mr. Wolin to your right?

14 A Yes, I'm sorry.

15 Q Is your signature contained anywhere in that
16 document?

17 A I believe so, yes.

18 Q And can you just identify what pages?

19 A What page? The second page.

20 Q Anyplace else?

21 A The third page, that's it.

22 Q Second and third page?

23 A Mm-hmm.

24 Q And did you have an opportunity to review the
25 document before you signed it?

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1 A Yes.

2 Q There is also, on the fourth page in the
3 packet, but it's numbered page 1 at the bottom, it's
4 titled Rider to Notice of Claim?

5 A Right.

6 Q There is no signature line on that first or
7 second page, right?

8 A Right.

9 Q Did you have an opportunity to review that,
10 as well, before you signed this document?

11 A Yes.

12 Q As a whole?

13 A Yes.

14 Q I will be asking you a series of questions
15 about the situation that you described and the Notice
16 of Claim and about allegations in the Notice itself?

17 A Okay.

18 Q As of May 28, 2014, you were teaching a first
19 grade class at Roosevelt School District?

20 A Yes.

21 Q And was that the Washington Rose Elementary
22 School?

23 A Yes.

24 Q And how many first grade classes are there in
25 that school, at that time?

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1 A Five.

2 Q And there is five individual classrooms, five
3 individual teachers?

4 A Yes.

5 Q Did there come a time on or about May 28th,
6 that you had a communication or conversation with your
7 principal about a particular student?

8 A Yes.

9 Q What was the name of your principal?

10 A Mr. Braswell.

11 Q B-R-A-S-W-E-L-L?

12 A Mm-hmm.

13 Q And can you tell me what precipitated that
14 communication?

15 A We were called into a meeting, the first
16 grade team, was called into a meeting. We basically
17 all had a prep at that time, meaning all the children
18 had specials, so one had art, one had music, so we were
19 all able to meet with him at the same time.

20 And it was a substitute teacher in for one of the
21 first grade teachers and she had gone in to talk to the
22 principal saying that we were not teaching math
23 anymore. This was at the end of the year. And he was
24 very upset that we were not teaching math.

25 So when we got in there together, as a group, we

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1 said, of course we are teaching math but we finished
2 the book so we are going back over whatever the
3 children are having problems with and we are
4 reteaching.

5 He got very irate and said that he wanted us to
6 revisit the math book. Basically, we said, okay that's
7 the same thing, it's just terminology. Again, he got
8 very irate and so, basically it was just the
9 terminology that he was getting very upset.

10 Q Okay. Did the communication involve any
11 student in particular?

12 A After he was continuing on with that and we
13 were trying to explain to him that that's just
14 terminology and it's the same thing that's we were
15 doing he turned to me and he said, I'm going to put
16 this particular little girl back into your classroom.
17 She had just been taken out of my classroom.

18 Q When you say "just taken out" that day taken
19 out or recently?

20 A About two days before.

21 Q For what reason was that child taken out of
22 your class?

23 A She told me that she was going to kill
24 herself and our immediate thing is to call the office
25 and call the social worker whenever a child says that.

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1 Q Once she was taken out of your class, do you
2 know what arrangements were made for the child's
3 education?

4 A Yes. She was put into that substitute's
5 class.

6 Q Okay. Was that a long term substitute?

7 A It was 'till the end of the year.

8 Q May 28th, do you remember what day of the
9 week it was?

10 I see you are having difficulty thinking. What
11 I'm trying to get at is, you said the student was taken
12 out two days before. I don't want to assume that would
13 be May 26th if it was a weekend?

14 A It could have been a Monday and that could
15 have been a Wednesday, but I really --

16 Q I don't want you to guess or speculate?

17 A I don't know. I think it was Wednesday. I
18 think she went out on Monday, but again, I don't really
19 recall.

20 Q So prior to that incident where the child was
21 taken out of your class, had that child ever vocalized
22 or demonstrated any such threats to herself or harm
23 herself or others?

24 A This was a child who allegedly had been
25 sexually abused. She was originally not in my

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1 classroom. The district had taken her out because she
2 was not living in the district and two weeks later she
3 magically was in the district, then put into my class.
4 She had a lot of issues.

5 Q Do you remember, approximately, when in the
6 school year she became part of your classroom? I don't
7 need specific dates.

8 A She was only in my class -- let me think, I
9 would say no more than two months. I don't even think
10 it was that long.

11 Q And in those two months, approximately, up
12 until May 26th, did the student present any other
13 problems in the classroom?

14 A Yes.

15 Q And had that student been taken out of your
16 classroom by the principal at any other time?

17 A Taken, like, put into another classroom? No.

18 Q Taken out as either suspended or sent to the
19 principal's office?

20 A No, maybe walked around. No, I don't think
21 she was ever, no.

22 Q Okay. When Principal Braswell was speaking
23 to you and telling you that the student is coming back
24 into your classroom, who else was in the room; was the
25 meeting with the other first grade team --

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1 A The whole first grade team, the math
2 coordinator, I know the assistant principal was in and
3 out. I don't know if she was there at that time.

4 Q Do you recall the name of the other first
5 grade teachers and math coordinator?

6 A Math coordinator's name was Ms. Wilks,
7 W-I-L-K-S Ms. Beno, B-E-N-O, give me a second, there
8 was another substitute teacher because two of our
9 teachers were out.

10 MS. BEN-SOREK: We'll, leave a space in the
11 transcript. That's all.

12 (Insert):_____.

13 A Ms. Yedin, Y-E-D-I-N, was the name of one of
14 the teachers.

15 Q Did any of the other teachers or coordinator
16 respond to Mr. Braswell when he mentioned the student
17 coming back to your class?

18 A Not at that time. It was the other comments
19 that they rose up to.

20 Q And did you make any response to
21 Mr. Braswell, at that time?

22 A I just asked him why W bring her back into
23 the classroom. There wasn't -- I couldn't understand
24 the reasoning why after he had just taken her out, why
25 he would put her back in.

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1 Q Did Mr. Braswell address your question?

2 A Well, then he went off on another little bit
3 of a tirade saying he couldn't believe how I was being
4 so cruel to this child by putting her off to the side
5 and how this child loved me so much and that I can be
6 like that to her. And that's when I broke down because
7 I love all of my children, but I had a very heavy
8 loaded class of very needy and hard to handle children
9 that year.

10 Q You mentioned that there were comments by
11 other teachers, what were they in relation to?

12 A They just said it wasn't fair that I had a
13 heavy loaded class and that child needed to have
14 somebody with her because of her actions to the other
15 children, she was touchy and feely to other children,
16 and that he shouldn't have been saying that, and that
17 the other teacher who had that child was having
18 problems with her and she had another person in the
19 room to help her out with that child.

20 Q Now, were these remarks addressed to you or
21 Mr. Braswell?

22 A Mr. Braswell.

23 Q Okay. Of the first grade teachers, who was
24 the most experienced of them in terms of years of
25 teaching?

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1 A How long? About the same I would think
2 probably, probably Ms. Beno and Ms. Yedin; they are
3 about equal in years.

4 Q So, to the best of your understanding and
5 knowledge, is there any correlation between the type of
6 students you received in correlation to your
7 experience? Is it the more experience teacher gets the
8 heavy or harder to handle students?

9 A No, no.

10 Q What was your relationship like with
11 Mr. Braswell prior to May 28, 2014?

12 A Not good, it was a very rough year. He is a
13 brand new principal.

14 Q Was that his first year?

15 A His first full year; he came in at the end of
16 the year before.

17 Q And what time of day was the meeting on the
18 28th?

19 A About 8:30.

20 Q And where was the meeting held?

21 A There is an office, conference room right off
22 of the main office.

23 Q Other than the topics that you had already
24 mentioned with Principal Braswell about the math, about
25 this particular to student, and this particular student

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1 coming into your class, and also his remarks to you
2 about the child's attachment to you, was there any
3 other topics that Mr. Braswell covered in that meeting?

4 A At that meeting he just kept going on about
5 not loving this child, and how I ostracized this child,
6 and he couldn't get over how I was treating this child.

7 Q At the meeting were any of the school social
8 workers present?

9 A I don't believe so.

10 Q You stated earlier that at some point you
11 started to break down?

12 A Yes.

13 Q Can you describe what you mean by you were
14 breaking down?

15 A I was sitting like right next to him, he was
16 sitting here and I was sitting right next to him.

17 Q Just for the record, I have to describe that?

18 A He was sitting at the head of the table and I
19 was sitting on his right.

20 Q Okay. So you were at a 90 degree angle on
21 his right?

22 A Yes. I looked at him he and he just kept
23 saying these terrible things about me not loving my
24 children. I started getting very upset and like the
25 tears started coming. I was tried very hard not to cry

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1 in front of my peers and in front of him.

2 I said, please stop. And he just kept going on.

3 I got up and I said, I've had enough of this.

4 I got up and walked out because I knew I was going
5 to be full blown crying. And I got up and I walked out
6 and I started having bad chest pain.

7 I walked to the hallway. I'm prone to have very
8 bad migraines. I put my head down, I got a horrific
9 migraine from the back of my head all the way to the
10 front of my head.

11 Q When you left the conference room to the
12 hallway, did any other teacher follow you or accompany
13 you?

14 A No.

15 Q And you said you walked to the end of the
16 hall. Did you go into any other rooms or --

17 A No.

18 Q At the time you began experiencing chest
19 pains, did you note that to anybody?

20 A No. When I walked to the end of the hallway
21 I was like trying to breathe. The social worker came
22 out of the nowhere, she must have been in somebody's
23 room and she came over and started talking to me.

24 She said, are you alright? I said, no. I said, I
25 had just been bullied by the principal and I'm really

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1 upset and I have such bad chest pains. And I said, I
2 have the worst migraine, I feel like I'm going to die;
3 it's so bad.

4 My other friend, Julie, came out of the hallway.
5 She said, she looks like she is going to collapse. You
6 better get her a wheelchair.

7 She went into the nurse's office, which is in the
8 same hallway, and she went and got a wheelchair for me.

9 Q Was Julie one of the first grade teachers or
10 teaching another class?

11 A She's a bilingual resource teacher.

12 Q She was not in the initial conference?

13 A No.

14 Q Do you know how it came about that your
15 friend Julie, and the social worker had noticed you or
16 --

17 A They just happen to come out into the
18 hallway.

19 Q Okay. Do you know or have you learned
20 whether it was that they came out into the hallway
21 because they heard you or sensed that you were there?

22 A Julie never said and I don't speak to the
23 social worker about it because I don't feel like I
24 should be speaking about it.

25 Q And I'll just ask you for the record, the

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1 Notice of Claim that you brought against the county,
2 Exhibit A today, it doesn't list any school personnel.

3 So let me just ask you, you don't feel comfortable
4 because you have a Notice of Claim or an action pending
5 against the social worker and the school district?

6 A I don't think I have one against the social
7 worker; I don't think her name is on it as far as that.
8 I just didn't think it was ethical because of --

9 Q The underlying action that you have --

10 A Against the school and I didn't want get her
11 involved or --

12 Q Do you recall what the social worker's name
13 is?

14 A Mrs. Swinkin.

15 Q S-W--

16 A S-W-I-N-K-I-N, I think.

17 Q Do you know what Julie's last name is?

18 A Scamadella (phonetically)

19 MR. WOLIN: That's phonetically Scamadella.

20 A I'm sorry, Scandallia (phonetic).

21 Q Does the school have a social worker full
22 time on staff on premises?

23 A Yes, but she is split between all the
24 schools. She's a psychiatrist, I'm sorry. The other
25 one is -- we have a social worker also but she's out a

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1 lot. She is on sick leave a lot.

2 Q So Ms. Swinkin was the school's --

3 A Psychologist.

4 Q Let me just clean that up a little bit.

5 Are you suggesting you need to change your
6 testimony that it wasn't the social worker who came out
7 but it was the school psychologist, Ms. Swinkin?

8 A Yes.

9 Q Is Ms. Swinkin is the one who is part time
10 between different schools?

11 A I believe so, yes.

12 Q And on that day she just happened to be at
13 the Washington Rose?

14 A Yes.

15 Q Who went to the nurse's office to retrieve a
16 wheelchair?

17 A Julie.

18 Q And did the school nurse also come to you?

19 A At the very end she was standing behind me,
20 rubbing my back.

21 Q And when Julie presumably got to you in the
22 hallway with the wheelchair, did you leave the hallway?

23 A Yes, they wheeled me into the nurse's office.

24 Q And with you was Julie. When you say "we",
25 Ms. Swinkin?

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1 A Yes.

2 Q Is it Ms. Or Dr. Swinkin?

3 A Ms.

4 Q Was there anyone else, other than the three
5 of you?

6 A At some time the nurse came in and she was
7 behind me, but she wasn't there the whole time. When I
8 get a really bad migraine I need quiet and no light, so
9 I kept trying to squeeze my eyes shut so I wasn't aware
10 of anything. People kept talking to me because I was
11 still crying. So I'm not -- people came in and out, so
12 I'm not sure at any given time who was there.

13 Q When you say "migraine", is it an ocular
14 migraine or is it a neurological?

15 A I'm on medicine.

16 Q Does it affect your eyesight?

17 A Yes.

18 Q How does it affect your eyesight?

19 A I can't keep my eyes open, it's such pain.

20 Q From light?

21 A From light.

22 Q Does it affect your hearing at all?

23 A Yes, I can't stand any sound.

24 Q From prior migraine attacks that you've
25 experienced, have you noticed, whether or not, during

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1 the episode you have a loss of knowledge or memory of
2 what actually happens during --

3 A No, no.

4 Q At any time when you were in the nurse's
5 office, did anyone who had been present in the
6 conference room come?

7 A Yes.

8 Q And who was that?

9 A Lanett Beno; Ms. Beno.

10 Q Do you know at what point in time she came?

11 A After the meeting was over.

12 Q Okay.

13 And you said the meeting commenced around 8:30 in
14 the morning; that's when it started?

15 A Yes.

16 Q Do you know, approximately, when it was you
17 left the conference room?

18 A I would say probably a quarter to nine;
19 fifteen, twenty minutes I was in there.

20 Q What time does school start?

21 A School starts --

22 Q What time does the students arrive?

23 A School starts about 8:00.

24 Q And you're laughing to this, there is some
25 sort of back story there?

SUSAN MCCARTHY

1 A It's not relevant.

2 Q We'll come back to that in a few minutes.

3 You've indicated that you are prone to migraine
4 headaches?

5 A Yes.

6 Q I understand you have medication?

7 A Yes. I take medicine everyday.

8 Q And what's the frequency that you would get
9 headaches prior to May 28, 2014?

10 A Now that I'm on medicine that I take everyday
11 it's not as much because I have breakthrough medicine.
12 If one does breakthrough I have something else that I
13 take. It's not as frequent, it's maybe once or twice a
14 month if the weather changes or something stressful is
15 going on.

16 Q So when you are talking about a breakthrough
17 medicine, it's kind of a backup if one doesn't work you
18 have something else that would work?

19 A Yes, I have another one that would knock it
20 out.

21 Q And back in May 2014, did you have those
22 medications?

23 A Yes.

24 Q Do you remember when it was that you were
25 prescribed those medications that you take on a daily

SUSAN MCCARTHY

1 basis for migraines or migraine prevention?

2 A Well, I went to the neurologist about five,
3 six years ago.

4 Q At that time, what was the frequency you were
5 getting headaches?

6 A Like every other day.

7 Q Do you recall, as you sit here today, what
8 medicine you are taking on a daily basis for migraine
9 control?

10 A The Topamax.

11 Q And when you take the Topamax, what's the
12 backup medication if that doesn't work?

13 A Fiorinal.

14 Q And on average, how often do you have to take
15 the Fiorinal?

16 A Like, maybe, once or twice a month in the
17 winter months or rainy months maybe more, but good
18 weather no.

19 Q You said stress and the weather are the
20 triggers that you've noticed?

21 A Yes.

22 Q Are there any other medications that you take
23 for stress reduction?

24 A Well, I'm on depression medicine.

25 Q That's the Zoloft you've talked about before.

SUSAN MCCARTHY

1 MS. BEN-SOREK: And again, we are leaving that
2 space in the transcript for you to give us the whole
3 compliment of medications and the dosage and how often
4 you are taking in milligrams the dosage.

5 A Yes, mm-hmm.

6 (Insert): _____.

7 Q On May 28th have you taken Topamax in the
8 morning?

9 A Yes.

10 Q And that was before you went to school?

11 A Yes.

12 Q And in order to deal with the migraines that
13 you suffered that morning, did you need to take that
14 second breakthrough medication?

15 A Yes.

16 Q And the Fiorinal?

17 A Yes.

18 Q Where was the medication?

19 A In my pocketbook in my classroom.

20 Q Did somebody get the medication for you, did
21 you get it?

22 A No, the psychologist went and got it for me.

23 Q And approximately, how long were you in the
24 nurse's office all totalled?

25 A It's hard to tell because I was in a lot of

SUSAN MCCARTHY

1 pain. I would say, probably, until around 9:30.

2 Q So you left the meeting with the other
3 teachers about a quarter to nine?

4 A By 9:30 I was on my way to my sister's house.

5 Q And approximately, the time you were in the
6 hallway before you went to the nurse's office was how
7 long?

8 A Not very long, not very long; maybe five
9 minutes.

10 Q Okay. And at any time did you request
11 medical attention for the chest pain or migraine?

12 A I didn't request any medical attention. I
13 just asked them if I can get my medicine out of my
14 pocketbook. I just kept saying that I couldn't breathe
15 and my chest hurt and I said I want to go home.

16 Q Did anybody, school nurse or anyone, address
17 your chest pain?

18 A No, they just said I better calm down.

19 Q Did anybody provide you any treatment other
20 than the medication?

21 A They gave me a glass of water.

22 Q Oxygen, nothing?

23 A No, nothing.

24 Q To who did you make the request that you
25 wanted to go home?

SUSAN MCCARTHY

1 A At that time Ms. Higgins came in -- that's my
2 assistant principal -- she came in and I said to her, I
3 want to go home. She said, you are in no condition to
4 drive home; why don't you go to your sister's house.

5 Q And had Ms. Higgins observe you in those
6 migraine episodes before?

7 A No, she's new too.

8 Q When you say "new" how new?

9 A A year. This is her first year.

10 Q So you had her, at least, since September?

11 A Yes.

12 Q At any time between September and May 28th,
13 have you asked to go home?

14 A No.

15 Q Is there any school protocol about a teacher
16 leaving in middle of the day or after the school day
17 has begun as far as getting a substitute?

18 A No. If you are sick you can, you know.

19 Q You mentioned that you were taken to your
20 sister's home. Who contacted your sister?

21 A Well, at first they couldn't find her phone
22 number but I had it on my cellphone, but I guess my
23 brain wasn't really working. I handed them my
24 cellphone and they called my sister.

25 Q How did it come about that somebody contacted

SUSAN MCCARTHY

1 your sister?

2 A Ms. Higgins said to me you should probably go
3 to your sister's house because she lives in Freeport
4 instead of trying to drive home to Hicksville.

5 Q Freeport is close to the school district?

6 A It's three minutes away.

7 Q In what context did Ms. Higgins know your
8 sister is in Freeport?

9 A I'm not really sure how she knows my sister.
10 My sister worked for the district, my sister is retired
11 from Roosevelt.

12 Q Okay. Did any of the individuals that you
13 had spoken about today with Julie or with Ms. Windell
14 or Ms. Higgins or Mr. Braswell or any of the other
15 teachers, know your sister before May 28th?

16 A Yes.

17 Q Was your sister known to be, like, the person
18 to contact in case of an emergency for you?

19 A Yes. She's outside.

20 MR. WOLIN: It doesn't matter.

21 Q So your sister is, like, your emergency
22 contact.

23 Do you know who actually called her; was it Ms.
24 Higgins or Ms. Windell?

25 A Ms. Higgins, is what I was told.

SUSAN MCCARTHY

1 Q Were you in the room when the call was made?

2 A No.

3 Q Do you know what was said to your sister?

4 A What was said, they just said your sister's
5 very upset, she needs you to come pick her up.

6 Q Did you have any conversation with Ms.
7 Higgins about why you were upset and what had
8 transpired earlier in the morning?

9 A I kept saying, Mr. Braswell was a bully and
10 he was bullying me. Because we have a big poster about
11 not bullying in school, we were on Channel 12 for being
12 the not bullying school.

13 I kept saying, he is bullying me, I'm really
14 upset, no one is doing anything about it. She kept
15 saying, calm down.

16 Q Is this the first encounter with Mr. Braswell
17 that you felt he was bullying you?

18 A No.

19 Q Did anybody ask you whether you were going to
20 hurt yourself?

21 A Ms. Higgins did.

22 Q And at what point did she ask that?

23 A Before they called my sister.

24 Q And did you -- are you aware what prompted
25 Ms. Higgins to ask that question?

SUSAN MCCARTHY

1 A No, it was an offhanded thing. She said, you
2 wouldn't hurt yourself. I said, of course not.

3 Q That morning had you expressed any sort of
4 feeling that you were going to hurt yourself or
5 somebody else?

6 A No.

7 Q And in that school year, had you expressed
8 any exasperation or threats to yourself even in a
9 joking sort of way?

10 MR. WOLIN: Objection. You can answer it.

11 A No.

12 Q Did the school nurse, you mentioned that she
13 came in and rubbed your back, did she interview or
14 examine you at all?

15 A No.

16 Q Did she say anything to you at all?

17 A She said, calm down or you are going to have
18 a coronary.

19 MS. BEN-SOREK: Off the record.

20 (Whereupon, a discussion was held off the record.
21 . After, the following ensued.)

22 Q Did the school psychologist ask you any
23 questions?

24 A She asked me a lot of questions.

25 Q Do you remember the sum and substance of what

SUSAN MCCARTHY

1 she was asking you?

2 A She was asking me what kind of medication I
3 was on, how much medication I took, maybe I should take
4 more. I said, no.

5 Q Throughout this you mentioned that your eyes
6 were closed at times because of the headache.

7 Were you still crying at this time?

8 A Yes, I just kept saying I want to go home, I
9 just need quiet.

10 Q Was that expression because of the headache
11 or because of the situation as a whole and the incident
12 with the principal?

13 MR. WOLIN: Objection. You can answer.

14 Q If you are aware, if you can?

15 A I think a combination of both. My headache
16 was the worse than I have ever had and I had some
17 whoppers. But I can't say it was absolutely just the
18 headaches because I was really, really really upset.

19 Nobody ever accused me of not loving my children
20 before him.

21 Q Other than Ms. Beno or Ms. Yedin did someone
22 came into the room in the nurse's office?

23 A Yes, Ms. Bedin.

24 Q Did she say anything to you?

25 A She said, it will be alright, just let her go

SUSAN MCCARTHY

1 home.

2 Q Do you know who she was addressing those
3 remarks to?

4 A To everyone around me. She's my friend, she
5 knows me. She was just saying to everyone around me,
6 she needs quiet.

7 Q And other than saying you wanted to go home
8 and you needed quiet, are there any other statements or
9 responses you made?

10 A To?

11 Q While in the nurse's office?

12 A The substitute teacher came in and she
13 apologized for causing all this ruckus and she was,
14 like, right in my ear. I just said, leave me alone.
15 You are going to drive me crazy; just leave me alone.
16 Because she was right in my ear; and she ran out.

17 Q And you said you were with your hands to your
18 face and the side of your face and expression of
19 exasperation. Was it something you were yelling at
20 her?

21 A Yes, I wanted her to get away from me. She
22 started this whole thing and now she is going to be
23 right in my ear and just, please, go away from me. I
24 think that's what I did, just please, just get out of
25 my ears, like, just leave me alone.

SUSAN MCCARTHY

1 Q As you're expressing this, your hands were
2 shaking a little bit. Were they shaking then too?

3 A Yes, I think so.

4 Q Do you recall, approximately, how long it
5 took for your sister to arrive at the school?

6 A Oh, she was there within minutes.

7 Q And again, if I asked this already I
8 apologize if I did. Did you hear any part of the
9 conversation between the person who called your sister
10 and your sister?

11 A You know what, now that you said, I think
12 they called with me in the room because it was on my
13 cellphone. And they said your sister needs you, she is
14 very upset. Can you come and get her? Because on the
15 way --

16 MR. WOLIN: She is only asking about the
17 conversation. Not on the way home.

18 A Yes, I heard it. They said, your sister
19 needs you.

20 Q Do you recall whether they stated that you
21 didn't feel well or that you were upset?

22 A Just that I was upset.

23 Q Do you recall if they ever mentioned anything
24 about the migraine episode?

25 A No, just that I was upset.

SUSAN MCCARTHY

1 Q Did they mention anything about difficulty
2 breathing or chest pain?

3 A No, no.

4 Q Okay. When your sister arrived at the school
5 -- first of all, did she have to go through anything,
6 like a security guard or go to the main office?

7 A Yes.

8 Q So she couldn't come directly to the nurse's
9 office?

10 A No.

11 Q Was she escorted to the nurse's office by
12 anyone, if you know?

13 A I don't think so because the nurse's office
14 is connected to the regular office. She just came
15 straight through.

16 Q Do you know if your sister had any
17 communication with anyone up from the time she came
18 into the school to the time that she got to you in the
19 nurse's office?

20 A I believe Ms. Higgins met her and walked her
21 through.

22 Q Were you in a position where you could hear
23 what Ms. Higgins and your sister were talking about?

24 A No.

25 Q Did you come to learn, at any subsequent

SUSAN MCCARTHY

1 time, what they talked about?

2 A She just -- my sister said she just said to
3 take her home and, you know, let her relax. And my
4 sister said, don't worry, I will take good care of her
5 and I will take her home and put her to bed.

6 Q Other than Ms. Higgins, are you aware of
7 anyone else that your sister may have spoken to, from
8 the time she got the initial call from the school until
9 the time she saw you at the office?

10 A She called her boyfriend because she didn't
11 want to leave my car at the school because it's not
12 safe. She had her boyfriend come with her to pick me
13 up.

14 Q So the two of them came at the same time as
15 your sister?

16 A Yes.

17 Q Did this gentleman also come into the school?

18 A Yes.

19 Q And did you have any conversation with him at
20 that time?

21 A No.

22 Q Do you know if he had any communications or
23 conversations with anyone while he was on school
24 premises?

25 A I don't think so. I think he was just there.

SUSAN MCCARTHY

1 Q Can I ask you to give us your sister's name
2 and address and also the boyfriend's name please?

3 A Lynn Ganss, G-A-N-S-S and her boyfriend's
4 name is Bob Drinkwater. He's Indian.

5 Q And your sister you said lives in Freeport?

6 A Yes, 233 Sportsman Avenue.

7 Q Other than communications with Ms. Higgins,
8 do you know if your sister had any other communication
9 with any of the school personnel?

10 MR. WOLIN: Objection. It was asked and answered.

11 Q Did you have any communication with your
12 sister while she was on school premises?

13 A I told her -- I probably told her that
14 Mr. Braswell was bullying me and that I had chest pains
15 and a migraine and I needed to lie down.

16 Q Okay. Did your sister respond to you?

17 A She said, okay. She said, don't worry I will
18 take care of you when you get home.

19 Q Was there any conversation about taking you
20 to a hospital or doctor's office?

21 A No.

22 Q At some point, did somebody have to retrieve
23 your personal belongings from the classroom?

24 A I already had my pocketbook.

25 Q And at what point did you get your

SUSAN MCCARTHY

1 pocketbook?

2 A In the very beginning when they took my whole
3 pocketbook when they got me my medicine.

4 Q And do you recall, approximately, what time
5 you arrived at your sister's home?

6 A I would have said 9:30 but then the timeline
7 would be -- so maybe like a quarter of ten, the latest.

8 Q Now, why do you think, you thought 9:30?

9 A I don't know, that's just what I thought it
10 was.

11 Q At any time did you take notes?

12 A My head was hurting too bad, no.

13 Q At any time did you make any notes of what
14 transpired that day?

15 A Did I, after the fact?

16 Q After the fact?

17 A Yes.

18 Q When did you do that?

19 A The day after.

20 Q So the 29th?

21 A Yes.

22 Q When you were making those -- in what form
23 was it; was it a timeline or notes?

24 A I just wrote down what happened. I just
25 wrote, you know.

SUSAN MCCARTHY

1 Q And what did you do with that set of notes?

2 A It's in a notebook at home.

3 MS. BEN-SOREK: I'm just going to call --

4 MR. WOLIN: There is no discovery in a 50-H, you
5 know that. So you're not entitled to --

6 MS. BEN-SOREK: I'm making it for the record so if
7 later on I forget.

8 Q When you arrived at your sister's home, what
9 did you do for the next couple of hours?

10 A First, she said, go up to bed. I went up to
11 my sister's bed and I tried to lay down for an hour,
12 nothing was working. Usually, if I go to sleep and
13 it's quiet, but no, so I came back down. I said, I'm
14 not getting any better.

15 She has a jacuzzi, I filled the jacuzzi up, and
16 laid in the water. I was in the water for about 20
17 minutes. I said, I still don't feel good.

18 She said, you're hungry, I'll feed you. So she
19 made a complete dinner; a fish dinner with fried
20 potatoes, I mean a big elaborate dinner. I ate the
21 whole dinner. I started feeling a little bit better but
22 I still had the headache.

23 She rescues cats so she said, go sit in the cat
24 room, you'll feel better. I was petting the cat, with
25 that, a knock came on the door.

SUSAN MCCARTHY

1 Q Do you know what time that knock came on the
2 door?

3 A I don't specifically know but it was around
4 12:30, 1:30, something like that.

5 Q And what do you use to gage the approximate
6 time?

7 A One, I thought it was around 12:30. The
8 police officer, when he came in said, this is
9 ridiculous; this is three hours after what happened.
10 Something is really wrong here.

11 Q And just for clarification, so the Fiorinal
12 that you had taken did not work at that time?

13 A No. And I can take another dosage but I
14 hadn't.

15 Q But I just want to be clear to you because
16 you said it's the breakthrough?

17 A I know that's the good stuff.

18 Q So a knock came on the door. Who answered
19 the door?

20 A My sister.

21 Q Okay. And did you actually observe her
22 opening the door and having a communication with
23 somebody?

24 A No, but the cat room is right next to the
25 door. She said, Susan, the cops are here.

SUSAN MCCARTHY

1 Q So, that's when you first learned the police
2 were there?

3 A Yes.

4 Q Do you know what police department --

5 A Nassau County.

6 Q And how many police officers were there?

7 A Two.

8 Q Describe; male, female?

9 A Male and female.

10 Q And do you know the names of them?

11 A No.

12 Q Did you take note of either their names or
13 their shield numbers?

14 A No, they are the police that comes to
15 Roosevelt, that comes to Washington Roosevelt.

16 Q What do you mean?

17 A We have a lot problems in Roosevelt so I have
18 seen them before.

19 Q You have seen them at the school?

20 A Right.

21 Q Okay. Some schools have school security by
22 police officers is --

23 A No, they are not school security.

24 Q These are just regular officers?

25 A Yes.

SUSAN MCCARTHY

1 Q So the officers who responded, you have seen
2 before because they patrol or are responsible for the
3 area around the school?

4 A I had seen them in the school.

5 MR. WOLIN: I don't think she said that. She
6 said she'd seen them in the school.

7 A I have seen them in the school before.

8 Q And have you had communication with either of
9 them before the 28th?

10 A No.

11 Q When your sister told you the cops are at the
12 door what, if anything, transpired next?

13 A They came in and they were looking at me. I
14 was in a nightgown and they told me to get dressed.
15 And I said, why? And they said you have to go to the
16 hospital. And I said, why? And they said because the
17 school called in that you are a threat to yourself or
18 someone else.

19 And I just looked at them, and I said, you got to
20 be kidding me. I said, I left the school a long time
21 ago.

22 And then the police officer looked on the piece of
23 paper, he said, something is not right here, that was
24 three hours ago.

25 Q Okay.

SUSAN MCCARTHY

1 A And he was like frowning. And I said, look,
2 I have a migraine. I said, I just need to be calm, now
3 you are getting me agitated all over again. And he
4 said, I'm sorry. I really don't want to do this,
5 something is not right here but it's my job; I have to
6 do this.

7 I said, you are making me go against my will. You
8 are taking me out of my sister's home. The school told
9 me that I could go home with her, it's not, you know,
10 it's not that I did anything wrong. Why are you making
11 me go? He said, I have to, I have to.

12 So then the topper came when he said, you are
13 going to the psyche ward. I said, what, you can't make
14 me go. And then I started getting really, really
15 upset. He said, calm down, calm down; it's a couple of
16 hours out of your day, you know.

17 I went to go get dressed and the lady cop follows
18 me. I said, what are you doing, I'm going to get
19 dressed. She said, I have to watch you get dressed.

20 I said, no, you are not watching me get dressed.
21 I've had enough of people taking away my rights. So
22 then I said, alright, alright.

23 My sister is getting really upset. I said, don't
24 get upset. I'm going to get this straightened out. Oh
25 you can't go yet because the bus has to come.

SUSAN MCCARTHY

1 I said, what bus? You have to go in the
2 ambulance. I'm like you know what, this is getting to
3 be a comedy routine here, I am not going into an
4 ambulance. What is going on.

5 We had to wait for an ambulance to come. Then the
6 cop, the man, a very nice man, but he drove the
7 ambulance. The guy who drove the ambulance to my
8 sister's house got out and sat in the back with me.

9 Q Were they in the same uniform?

10 A No. I was trying to figure out what his
11 uniform was.

12 Q What uniform was --

13 A The cop that was driving the car, he was a
14 Nassau County cop.

15 Q What was the other guy wearing?

16 A He was wearing like, I don't know, like a
17 deputy uniform.

18 Q How about colors?

19 A They were the mustardy color, not the
20 mustardy color. I can't think of what it's called.

21 Q We will start with the police officer, the
22 male police officer. What color was his uniform?

23 A Dark blue.

24 Q And the female officer?

25 A Dark blue.

SUSAN MCCARTHY

1 Q And was the guy who was driving the ambulance
2 to your sister's house, was he also wearing dark blue?

3 A No.

4 MS. BEN-SOREK: Leave a space in transcript if you
5 remember you can add it.

6 (Insert): _____.

7 MR. WOLIN: Add what?

8 MS. BEN-SOREK: Add what he looked like.

9 MR. WOLIN: What he looked like?

10 MS. BEN-SOREK: I'm sorry. The color of the
11 uniform.

12 MR. WOLIN: Okay.

13 A And he sat in the back. I didn't get
14 seat-buckled in or anything.

15 Q Now, do you know what agency the ambulance
16 was affiliated with; was it a fire department,
17 ambulance, EMT, was it the police department ambulance,
18 private ambulance?

19 A I'm thinking the police department.

20 Q Did it have any markings or anything?

21 A I don't know.

22 Q Approximately, how long did you have to wait
23 from the time the police officers got to your sister's
24 house until you left in the ambulance?

25 A 10 or 15 minutes.

SUSAN MCCARTHY

1 Q Did either of the officers --

2 MR. WOLIN: I'm a little unclear.

3 When you say how long did she have to wait? You
4 mean, how long it elapsed from the time the police got
5 there until the ambulance got there or --

6 MS. BEN-SOREK: Yes.

7 MR. WOLIN: Or some other thing because you said
8 "waiting". I don't know if she was waiting the whole
9 time.

10 MS. BEN-SOREK: Thank you for clarifying because
11 I'm trying to say waiting for the ambulance.

12 Q From the time the police officers arrived at
13 your sister's home, approximately, how long transpired
14 before you left your sister's home with the ambulance?

15 A About 15 minutes.

16 Q And which of the officers said that they got
17 a call from the school?

18 A The male.

19 Q Okay. And did he say who was from the school
20 that called?

21 A Ms. Higgins.

22 Q And --

23 A He said her name was on the form also.

24 Q So the police received a call from Ms.
25 Higgins, as far as you understood?

SUSAN MCCARTHY

1 A That's what he told me.

2 Q Did he say anything further other than what
3 you already explained?

4 A He said this is a lawsuit waiting to happen.

5 Q Did there come a time when you went to the
6 ambulance?

7 A Yes.

8 Q Were you allowed to walk to the ambulance or
9 were you put on a stretcher?

10 A No, I was walking.

11 Q You were walking to the ambulance?

12 A Yes.

13 Q Who escorted you to the ambulance?

14 A The police officer.

15 Q The male police officer?

16 A The male police officer.

17 Q And where in the ambulance were you placed?

18 A They just opened the door and I hopped in.

19 Q Was it the back door, side door?

20 A I want to say the back door, but I sat on the
21 side. But I don't remember what door I got in.

22 Q So you sat on side of the ambulance?

23 A They have two sides. I sat and the other
24 officer sat in the back directly behind the policeman
25 driving.

SUSAN MCCARTHY

1 Q Just trying to draw a picture of that
2 verbally?

3 A This is the front of the police car and the
4 police officer that came in the house was driving here
5 and I sat right here, this is a bar.

6 Q "Here" indicating you are indicating -- you
7 called it a police car, do you mean the ambulance?

8 A The ambulance, I'm sorry.

9 Q So the police officer who arrived, the male
10 police officer, was in the cab of the ambulance. The
11 gentleman who drove the ambulance to your sister's
12 house --

13 A Was sitting next to the cab.

14 Q Next to the cab, in the captain's chair?

15 A It reminded me of just like a bar, like a
16 bench. And I was the on the other bench on the --
17 well, depending on what way you are turning.

18 Q Like a 90 degree angle?

19 A Yes.

20 Q At any time, did you learn that the person
21 who rode with you in the back of the ambulance was a
22 paramedic or an ambulance medical technician?

23 A That's who I thought it was, but I'm not sure
24 why I thought that; whether I thought of it myself or
25 they told me, I don't know.

SUSAN MCCARTHY

1 Q At any time, did that individual take any
2 vital signs or examine you?

3 A No.

4 Q Let me backup, and do a foundation.
5 Was it a male or a female?

6 A Male.

7 Q At any time, did the male technician take any
8 notes or write anything down, as you saw?

9 A I know he was on his phone talking to his
10 wife.

11 MR. WOLIN: Again, the question was notes.

12 A No, I don't remember.

13 Q In the ambulance, were you restrained in any
14 way?

15 A No.

16 Q And when you said you were escorted to the
17 ambulance, can you describe what you mean by
18 "escorted"?

19 A He just walked me out.

20 Q Did the officer have a hand on you or have
21 any physical contact with you?

22 MR. WOLIN: While they were walking to the
23 ambulance?

24 MS. BEN-SOREK: While they were walking to the
25 ambulance.

SUSAN MCCARTHY

1 A Yeah, I'm not sure if he had his hand on my
2 elbow, like gentlemanly.

3 Q Where was the female officer?

4 A I think she took the other car, the car they
5 came in. I didn't see her after that.

6 Q Do you know, approximately, how long it took
7 to get by ambulance from your sister's home in Freeport
8 to the hospital?

9 A 15, 20 minutes, I guess.

10 Q Was anyone else in the ambulance other than
11 the driver, medic and yourself?

12 A No.

13 Q Did your sister follow you on her own?

14 A No, they wouldn't let her -- I told her not
15 to.

16 Q Do you know what hospital you were taken to?

17 A The one on Hempstead Turnpike.

18 Q If I say Nassau University Medical Center,
19 does that refresh your recollection?

20 A Yes.

21 Q You indicated that the police officer, before
22 you left your sister's home, indicated that you were
23 going to be taken to the psychiatric unit. Is that the
24 first place that the ambulance took you?

25 A They --

SUSAN MCCARTHY

1 MR. WOLIN: When you say "the first place", they
2 took her to the hospital.

3 Q I mean within the hospital, the psychiatric
4 emergency room versus a medical emergency room?

5 A Yes. They took me to check-in and then they
6 took me downstairs, yes.

7 Q And who was with you when you went to
8 check-in?

9 A The male officer and the --

10 Q The medic?

11 A The other man, whoever he was.

12 Q And did you observe any communication that
13 either the officer or the other male had with any
14 hospital personnel?

15 A No.

16 Q Once you checked-in or once you were
17 checked-in, were you evaluated or met by any medical
18 staff?

19 A After a long time, yeah.

20 Q And until you were met by medical staff who,
21 if anyone, was with you?

22 A When I went in the police officer went
23 downstairs with me and waited until I got checked-in at
24 the front desk. He stayed with me because I had a
25 death hold on him. I wouldn't let him go.

SUSAN MCCARTHY

1 Q Which of the male officers?

2 A The police officer.

3 Q So you held onto him?

4 A Oh, yes.

5 Q Did you say anything to him?

6 A Yes.

7 Q What did you say?

8 A I said, you are not going anywhere. He said,
9 oh, man, I have to leave. I said, you brought me here,
10 you are not going anywhere. I said, this place is very
11 scary. It was packed.

12 Q Did he stay with you?

13 A A little bit then he said I have to go. I
14 said, then I'm going with you. He said okay, no, can't
15 do that.

16 Q What about the individual who was in the back
17 of the ambulance?

18 A No, he didn't come down.

19 Q So he stayed at the first level?

20 A Yes, he stayed at the top.

21 Q The one who stayed at the top, the one that
22 was in the ambulance with you in the rear, did you see
23 him at any time further that day?

24 A No, nobody, everyone was gone. They all left
25 me there.

SUSAN MCCARTHY

1 Q Once he left you in the medical --

2 A He left me.

3 Q Then you didn't see him. What about the
4 police officer once, he left --

5 A He left me.

6 Q And at some point you were evaluated or
7 treated by medical staff?

8 A Hours later, yes. He left me with the man
9 with the foot fetish who wanted to take me home.

10 Q And when you said you were left by the police
11 officer, can you describe the area or type of area, was
12 this a waiting area?

13 A Waiting area.

14 Q Okay. And were you in a custody of anyone in
15 particular at the time?

16 A In custody?

17 Q Well, was there anyone with you, you know, in
18 charge of you?

19 A In charge of me? No, it was only me. Only
20 strange people.

21 Q The person who you described a moment ago
22 with the feet fetish, was that a medical staff person?

23 A No.

24 Q It was a potential patient?

25 A Yes, lots of potential patients.

SUSAN MCCARTHY

1 MR. WOLIN: Just answer the questions.

2 Q At some time you were evaluated by medical
3 staff?

4 A Yes.

5 Q Do you know if that was a doctor, nurse,
6 medical assistant or otherwise?

7 A The nurse at the front desk was talking to me
8 and I got all my prescriptions and all of those things
9 she said this is a clear case of harassment, you should
10 talk to your union rep and it seems like a lawsuit to
11 me.

12 About seven hours later they brought me into a
13 psychiatrist, there was two psychiatrists; one sitting
14 here, one sitting here. And the lady did the verbal
15 questioning, whatever. And the man threw in a couple
16 of questions too and then they said --

17 Q Well, you said they were sitting in different
18 places. Where were you; were you in between the two?

19 A I was sitting to the -- I was sitting across
20 from the woman.

21 Q And, approximately, how long did the
22 evaluation take, if you know?

23 A About half an hour.

24 Q At the end of the half an hour what, if
25 anything, transpired?

SUSAN MCCARTHY

1 A They said who can come and pick you up.

2 Q And did you make arrangements with your
3 sister, at that time?

4 A Yes.

5 Q Did anyone in the medical staff speak with
6 you regarding the evaluation or the reason you were
7 there?

8 A Yes. They said that they -- they said they
9 thought it was, they felt I was just having a panic
10 attack or I had just been upset. They didn't
11 understand why no one checked me out for the chest
12 pains or the migraine; why was I sent to their unit.

13 And they said to look into a lawsuit because they
14 said this was not conducted in the proper way.

15 Q Okay. And when you said a moment ago that
16 somebody told you it was a clear case of harassment,
17 did they say harassment by whom?

18 A Yes, the principal. They said that they've
19 had that before where people, where school districts
20 think they can harass teachers and trump up charges and
21 have them sent to the hospital.

22 They said, we don't have time for this kind of
23 thing when we have got people that need our help and,
24 you know, look how crowded it is here. And we have
25 people coming in here like you and we can see how

SUSAN MCCARTHY

1 clearly nothing is wrong with you.

2 They were annoyed, they were really upset.

3 Q Do you have any recollection of the names of
4 these individuals who mentioned this?

5 A The head nurse, no.

6 Q Do you have anything on paperwork that might
7 have her name?

8 A Yes.

9 Q Okay. Did there come a time when you
10 returned to work at the school?

11 A Yes.

12 Q When was that?

13 A September; not right away but about two days
14 after school started.

15 Q So for the remainder of the school year?

16 A I was out.

17 Q You were out.

18 What's the reason you were out for the school
19 year?

20 A I got a letter from the school district
21 claiming I was pending a 913 which is a medical
22 evaluation by a psychiatrist from the school district.

23 Q When did you receive that letter?

24 A I took off the next day of the school because
25 I got home really late from the hospital and then it

SUSAN MCCARTHY

1 came the following day.

2 Q Did it come to your home or to your sister's
3 home?

4 A My home, hand delivered.

5 Q That was my next question. Did the person
6 that delivered have any comment?

7 A My daughter didn't let me answer the door
8 when she saw the Roosevelt truck.

9 Q Did your daughter have to sign that she
10 accepted the --

11 A I don't believe so.

12 Q And did you have to go for the 913 Exam?

13 A Yes.

14 Q How, if at all, was that scheduled?

15 A The district gives you a time to go to their
16 psychiatrist and basically, that's it.

17 Q Would that appointment be contained in the
18 letter that was handed to you?

19 A That goes into another letter.

20 Q So the 30th of May -- 29th you took off you
21 said. So the 30th was when the letter was
22 hand-delivered.

23 Did you have any communication with anyone about
24 going back to work or --

25 A I called my union rep.

SUSAN MCCARTHY

1 Q What was the sum and substance of that
2 conversation?

3 A He just told me to get a lawyer.

4 Q And how long after the 30th, approximately,
5 did you receive notification that you were supposed to
6 attend a hearing?

7 MR. WOLIN: A hearing?

8 MS. BEN-SOREK: Excuse me.

9 Q Be involved in an evaluation?

10 A I'm not sure, I'm not sure.

11 Q Were you under the impression you were not
12 allowed to return to work until the evaluation was
13 conducted?

14 A Yes.

15 Q When did the evaluation eventually take
16 place?

17 A I was out that whole rest of the school year
18 and it didn't take place until September.

19 Q And as far as the scheduling of the
20 evaluation, was that mutually a convenient time or was
21 that the school district had total control over when --

22 A They fixed it for me so that it was
23 convenient.

24 Q Okay. And the time that you missed from
25 work, were you paid?

SUSAN MCCARTHY

1 A Yes.

2 Q After you left the school on the 28th of May
3 2014, did you have any subsequent communications with
4 Ms. Higgins up until September?

5 A No.

6 Q What about Mr. Braswell?

7 A No.

8 Q Any of the other teachers at the school?

9 A Just Ms. Beno.

10 Q Was that related to the school matter or was
11 that a social relationship?

12 A Social relationship.

13 Q At any time during your communications with
14 Ms. Beno from May 28th 'till September, did the subject
15 of what transpired on the 28th come up?

16 A Yes.

17 Q And in what way?

18 A Um, in a friend talking about being upset and
19 what happened and that people were asking her questions
20 about it and she wasn't telling anyone anything, that
21 sort of thing. And what she felt about it and things
22 like that.

23 Q Did Ms. Beno indicate, at any time, that she
24 heard or learned or known what, if anything,
25 Mr. Braswell or Ms. Higgins was saying about you

SUSAN MCCARTHY

1 related to that day?

2 A Um, well Mr. Braswell made a statement that

3 ---

4 MR. WOLIN: This is according to --

5 A According to Ms. Beno, Mr. Braswell made a
6 statement to the staff that Ms. McCarthy had family
7 problems and that's why she was out.

8 Q At any time, do you know whether Higgins or
9 anyone from the school, put it that way, stated to the
10 other teachers anything about you threatening to hurt
11 yourself or others?

12 A She said there were rumors that she heard but
13 she didn't know where the rumors came from.

14 Q And do you know the specifics of the rumors;
15 did she relate those?

16 A No.

17 Q When you were discharged from the medical
18 center on the 28th of May, was there a requirement or
19 suggestion that you followup with your own physician or
20 some clinic?

21 A Um, I think so. I think they said if I was
22 still having anxiety or whatever I should see my own
23 doctor.

24 Q At that time, were you under the care of a
25 mental health professional or psychologist or

SUSAN MCCARTHY

1 psychiatrist?

2 A No.

3 Q So the Topamax and Zoloft was given by
4 your --

5 A General practitioner.

6 Q Okay. Did you receive any medication or
7 treatment, other than just being evaluated, at the
8 medical center?

9 A No, not even an aspirin.

10 Q When you had your evaluation with the school
11 psychologist or psychiatrist, when did that take place?

12 A In September, I'm not sure the date. It was
13 probably the second or the third or fourth, somewhere
14 around there.

15 Q You know what the outcome of the evaluation
16 was?

17 A I was fit to go back to school.

18 Q That was the psychiatric evaluation or
19 psychological evaluation the school required?

20 A Right.

21 Q That's my understanding from your testimony?

22 A Yes.

23 Q Do you know if the school has taken any
24 course of action, any disciplinary or any other
25 hearings against you?

SUSAN MCCARTHY

1 A No.

2 Q So, as far as you know, Mr. Braswell, Ms.
3 Higgins, Ms. Swindil, the nurse, none of them had gone
4 on record at hearing discussing what transpired that
5 day?

6 A Not that I know of, no.

7 Q Prior to the 28th of May you mentioned that
8 your relationship with Mr. Braswell was a little bit
9 rocky.

10 What about your relationship with Ms. Higgins, how
11 would you characterize that?

12 A It was the same.

13 MR. WOLIN: And do want to now, I don't know if
14 she said specifically said a little bit "rocky" I mean
15 you are paraphrasing it.

16 Q How would you characterize your relationship
17 with Mr. Braswell in the school year of 2014?

18 A It was a difficult year, a difficult
19 relationship.

20 Q Two of you, when you say "difficult" didn't
21 see eye-to-eye?

22 A I would ask for help, they would give me help
23 but not the help I needed for my children.

24 Q Did he ever have disparaging words or tones
25 that he took with you?

SUSAN MCCARTHY

1 A Yes.

2 Q What about Ms. Higgins?

3 A Same.

4 Q When you returned to school this year, did
5 you return to the same elementary school?

6 A Yes.

7 Q Did you return to the same grade teaching?

8 A Yes.

9 Q Is Mr. Braswell still there?

10 A Yes.

11 Q What about Ms. Higgins?

12 A Yes.

13 Q Is there any mention or communication
14 regarding what transpired last year?

15 A No.

16 Q And has the relationship between you and
17 these individuals changed in anyway?

18 MR. WOLIN: Objection. You can answer it.

19 A Yes.

20 Q How would you characterize your relationship
21 with Mr. Braswell this year?

22 A Mr. Braswell is very friendly this year.

23 Q And what about Ms. Higgins?

24 A Equally friendly.

25 Q Since May 28th, 29th, other than school

SUSAN MCCARTHY

1 psychiatrists or psychologists, have you seen any other
2 mental health professional?

3 A No.

4 Q And has any part of your medication regiment
5 altered since May 29, 2014?

6 A No.

7 Q Have you had conversations with any of the
8 teachers during this school year about the situation
9 from the 28th of May of last year?

10 A No.

11 Q And how are your migraines been in the past
12 year or since May?

13 A Better.

14 Q Is there anything or any activity in your
15 life that has changed that you were able to do prior to
16 May 28, 2014, that you were unable to do or unwilling
17 to do because of what transpired in school that day?

18 MR. WOLIN: Objection. You can answer it.

19 A During the summer I couldn't do anything.

20 I didn't leave my house, I lost a lot of weight, I
21 was fearful and I no longer enjoy teaching. Every day
22 I go to work I'm waiting for that shoot to drop.

23 MS. BEN-SOREK: Can you just read back the first
24 part of the answer?

25 (Whereupon, the requested answer was read back by

SUSAN MCCARTHY

1 the reporter.)

2 Q And what was the reason or cause that you
3 were fearful during the summer?

4 A I didn't know whether the principal or
5 assistant principal were going to try to get me fired
6 or try to harass me some more. I never knew what was
7 going to happen to my lively hood.

8 Q I'm going to turn to Exhibit A, and ask you
9 on page 2 paragraphs number 2 and 4. Let's start with
10 paragraph 2 at the top of the page.

11 I know --

12 MR. WOLIN: These are legal terms.

13 Q These are legal terms so I'm just going to
14 break it down and just ask?

15 A Okay.

16 Q Do you understand or did anyone discuss with
17 you --

18 MR. WOLIN: That could be a privilege.

19 MS. BEN-SOREK: I'm getting there.

20 Q Did anybody discuss with you what your civil
21 or constitutional rights would be?

22 I don't want you to tell me what was discussed,
23 just if the topic came up?

24 A What my civil rights are?

25 Q Right. Don't disclose --

SUSAN MCCARTHY

1 A I know what my civil rights are.

2 Q Don't disclose anything your attorney said to
3 you, basically, is what I want to say?

4 A Okay.

5 Q And you claim that you were falsely
6 imprisoned?

7 A Yes.

8 Q What was the basis of your claim that you
9 were held falsely?

10 A By being made to go into behind locked doors
11 in the hospital.

12 Q That's based on the complaint filed by Ms.
13 Higgins or someone at the school, correct?

14 A Yes.

15 Q And you said, assault and battery.

16 Who are you claiming cause you assault and
17 battery?

18 MR. WOLIN: Why don't you ask her if she knows
19 what the definitions are? Those are legal definitions.

20 MS. BEN-SOREK: I'll rephrase it.

21 Q Did anybody cause any physical harm to you
22 from the county, the police officers or the --

23 A Yes, the emotional upsetment of being locked
24 in the psychiatric unit, yes.

25 I was devastated by that. And, you know, both,

SUSAN MCCARTHY

1 Braswell putting me there and, you know, having to -- I
2 can't believe that the police were made to do that.

3 Q And did you seek any treatment or counselor
4 or counseling?

5 A I tried to toughen it out myself. I was
6 home, I was. I tried to do it myself.

7 Q Have you seen any doctors related to either
8 the chest pain or the migraines or any injury you
9 alleged that occurred from the 28th of May?

10 A No.

11 Q You have a claim in paragraph 4 for
12 attorney's fees.

13 I want to ask you to date, what, if you know, do
14 you have any out-of-pocket expenses for attorney's
15 fees?

16 A Yes.

17 Q What services are they related to?

18 A What services?

19 Q I will rephrase it.

20 Did you pay like an hourly or is your attorney on
21 a contingency that he only gets paid if you receive
22 anything in the lawsuit?

23 A No, it's straight out.

24 Q Straight out by the hour, okay.

25 Do you know, approximately, how much you've

SUSAN MCCARTHY

1 expended to date?

2 A Three thousand.

3 Q Is that just on the Notice of Claim with the
4 county or it also includes with the school?

5 A The school.

6 Q Do you have any other out-of-pocket expenses
7 as a result of May 28th with the school?

8 A No.

9 Q And that includes going to the hospital,
10 coming back, your sister picking you up. You didn't
11 have any taxi expenses?

12 A No.

13 Q Did the hospital charge you for anything?

14 A No, but it would be under my insurance.

15 Q I think that is pretty much it unless there
16 is something else that you needed to express about what
17 transpired?

18 MR. WOLIN: Objection. Don't answer that.

19 Q I think that's it. Just give me two minutes.

20 I will ask you if I mentioned the name of Police
21 Officer Stassi S-T-A-S-S-I, does that refresh your
22 recollection?

23 A No.

24 Q What about Matthew Field?

25 A No.

SUSAN MCCARTHY

1 Q F-I-E-L-D?

2 A No.

3 Q Alright. I have nothing further at this time.

4 A Okay. Thank you.

5 (Whereupon, the examination of this witness was
6 concluded. Time noted: 12:11 P.M.)

7

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10 _____
SUSAN MCCARTHY

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SUSAN MCCARTHY

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4
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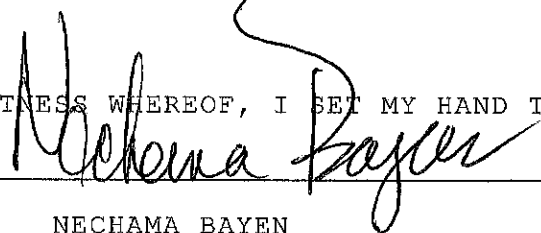
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SUSAN MCCARTHY

CERTIFICATE BY COURT REPORTERS

I, NECHAMA BAYEN, a Certified, Professional Court Reporter and Notary Public in and for the State of New York do hereby certify that the foregoing testimony taken in the matter of the Claim of MCCARTHY AGAINST COUNTY OF NASSAU consisting of pages 1 through 76 is an accurate transcription of my cryptic notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.


NECHAMA BAYEN

CERTIFIED COURT REPORTER

NORTH SHORE COURT REPORTERS

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